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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/091,173 | 03/06/2002 | John Voneiff | 031937.0006 | 1310 |

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| EXAMINER |
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PRONE, JASON D

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| ART UNIT | PAPER NUMBER |
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3724

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05/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/091,173 | Applicant(s) VONEIFF ET AL. | |
| | Examiner Jason Prone | Art Unit 3724 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-35 is/are pending in the application.
- 4a) Of the above claim(s) 12, 13, 17, 18, 20-26, 32 and 34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 16, 30 and 35 is/are allowed.
- 6) ☒ Claim(s) 11, 14, 19, 27, 31, 33 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11, 14, 19, 27-29, 31, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Divan (3,846,958).

Claims 11, 14, and 19:

In regards to claim 11, Divan discloses the same invention including a blade assembly for slicing a work piece capable of being 1 and 10 microns (26), a plurality of transfer rollers sequentially arranged in tangential proximity to each other (40 and 58 the conveyor belt rolls and is therefore a roller), a work piece in contact with the surface of one transfer roller will be transferred to the surface of the sequentially successive transfer roller (Column 3 lines 20-40), a first sequential transfer roller is oriented in proximity to the blade assembly (40) so that the work piece will contact the surface of the first sequential transfer roller (Column 3 lines 20-40), and a receiving medium (39) disposed in tangential proximity to a final sequential transfer roller (58) so that the work piece on the surface of the final sequential roller will be transferred to the receiving medium in a substantially smooth and flat configuration (Fig. 1).

In regards to claim 14, Divan discloses at least a portion of a circumference of one of the transfer roller is temperature controlled (the room is at a certain controlled

temperature and therefore the roller would adopt the properties of this surrounding temperature).

In regards to claim 19, Divan discloses display means (48).

Claims 27-29, 31, and 33:

In regards to claim 27, Divan discloses the same invention including a holding assembly for manipulating a work piece (20), a blade assembly capable of slicing the work piece between 1 and 10 microns (28 and 26), a transfer roller mechanism (40 and 58) for transferring the work piece in contact with the surface of a transfer roller to a receiving medium (39), and a controller (31).

In regards to claim 28, Divan discloses the blade assembly further comprises a preliminary blade for removing slices from the work piece to a desired depth prior to the preparation of work piece (22)

In regards to claim 29, Divan discloses the controller tracks the work piece (31).

In regards to claim 31, Divan discloses a first transfer roller positioned adjacent to the blade assembly for receiving the work piece from the blade (40) and a second transfer roller (58) for receiving the work piece from the first transfer roller and transferring the work piece to the receiving medium (39).

In regards to claim 33, Divan discloses at least a portion of a circumference of one of the transfer roller is temperature controlled (the room is at a certain controlled temperature and therefore the roller would adopt the properties of this surrounding temperature).

Response to Arguments

3. The rejected claims do not positively claim the work piece. Divan is perfectly capable of slicing a histologic-grade slice work piece between 1 and 10 microns. 10 microns is equal to .01 mm. Divan is perfectly capable of cutting an item paper-thin. More structure language is needed in the claim to overcome the reference.

Allowable Subject Matter

4. Claims 15, 16, 30, and 35 are allowed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571)272-4513. The examiner can normally be reached on 7:30-5:00 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

07 May 2008

/Jason Prone/

Patent Examiner, Art Unit 3724